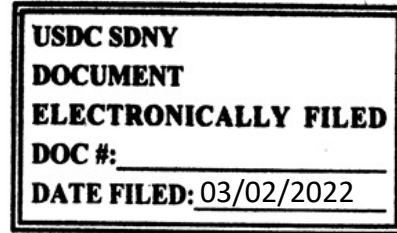


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF BMSA LIMITED
FOR AN ORDER TO TAKE DISCOVERY FOR
USE IN FOREIGN PROCEEDINGS
PURSUANT TO 28 U.S.C. § 1782



1:22-mc-00052 (LGS) (SDA)

ORDER AUTHORIZING DISCOVERY

STEWART D. AARON, United States Magistrate Judge:

WHEREAS, Petitioner BMSA Limited (“Petitioner”) filed an *Ex Parte* Application and Petition for an Order to Conduct Discovery for Use in Foreign Proceedings pursuant to 28 U.S.C § 1782 (“Application”), dated February 16, 2022 (ECF No. 1); and

WHEREAS, the Application is supported by the Declarations of Daniel L. Brockett (ECF No. 4) and Khaled Khatoun (ECF No. 5), together with related exhibits, and an accompanying Memorandum of Law (ECF No. 3); and

WHEREAS, the Court has considered the Application, Declarations, exhibits, arguments and law presented in connection therewith; and

WHEREAS, the Court finds that (a) the statutory requirements of 28 U.S.C. § 1782 are satisfied, (b) the factors identified by the Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004), weigh in favor of granting the Application, and (c) sufficient basis has been shown for granting the Application; and

WHEREAS, the granting of the Application *ex parte* is recognized in this Circuit. See *Gushlak v. Gushlak*, 486 F. App’x 215, 217, 2012 WL 2549813, at *1 (2d Cir. 2012) (“it is neither uncommon nor improper for district courts to grant applications made pursuant to § 1782 *ex parte*”).

It is hereby ORDERED that:

1. Petitioner's Application is GRANTED;
2. Petitioners are authorized to serve the subpoenas annexed as Exhibit 2 to the declaration of Daniel L. Brockett upon CME Group Inc. and EBS Dealing Resources, Inc. (together, the "Respondents"); and
3. Respondents are directed to respond to such subpoenas pursuant to the Federal Rules of Civil Procedure and the Local Rules of this Court.

SO ORDERED.

DATED: New York, New York
March 2, 2022

A handwritten signature in black ink, reading "Stewart D. Aaron", is positioned above a horizontal line.

STEWART D. AARON
United States Magistrate Judge